

REMARKS

Claims 1-16 are pending in this application, of which claims 1, 5, 11, and 14 are independent. Applicant acknowledges, with appreciation, the Examiner's indication that claims 2-4, 6-10, 12, 13, 15, and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 5, 11, and 14 stand rejected.

In this Amendment, claims 8 and 10 have been amended to correct minor errors. Care has been exercised to avoid the introduction of new matter.

Information Disclosure Statement

The Information Disclosure Statement filed January 10, 2007 has been acknowledged. However, an appropriately initialed copy of the PTO-1449 form indicating consideration of the cited references has not been provided. The Office Action includes two copies of the initialed PTO-1449 form filed November 26, 2006. Applicant respectfully requests the Examiner to provide an appropriately initialed copy of the January 10, 2007 PTO-1449 form indicating consideration of the cited references.

Claim Objections

Objection has been made to claims 8 and 10 because the claims have antecedent basis issues. Claims 8 and 10 have been amended to address the issues. Withdrawal of the objection to the claims is, therefore, respectfully solicited.

Claims 1 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al. in view of Fritsch.

In the statement of the rejection of claim 1, the Examiner admitted that Kato et al. does not teach a storage which stores the downloaded individual program. However, the Examiner asserted that Fritsch teaches the missing feature of Kato et al. and concluded that it would have been obvious to modify the apparatus of Kato et al. based on the teachings of Fritsch to arrive at the claimed subject matter. This rejection is respectfully traversed.

Applicant submits that Kato et al. and Fritsch, either individually or in combination, do not disclose or suggest a packet transmission apparatus including all the limitations recited in independent claim 1. Specifically, the applied combination of Kato et al. and Fritsch does not teach, among other things, the following limitations:

- an extraction unit which extracts information from a stream packet to be sent to a terminal, which indicates a location where an individual program for performing a specific process on the stream is stored;

- a download unit which downloads the individual program from the location; ...
and

- an execution unit which executes the individual program by incorporating the individual program into a packet processing on the stream.

Kato et al. discloses a data transmitting apparatus typified by a digital broadcast transmitter (paragraph [0022]). Data transmitting apparatus 10 acquires a plurality of sets of download data, each of which is targeted for one model (data receiving apparatus) (paragraph [0156]). Data transmitting apparatus 10 (reorganizing unit 12) reorganizes the plurality of the download data for a plurality of models (paragraph [0157]). In more detail, reorganizing unit 12 extracts common data and unique data from the downloaded data for the plurality of models. The common data is contained in one or more sets of downloaded data. The unique data is a

remaining portion in each set of downloaded data after extracting the common data.

Transmission unit 13 in data transmission apparatus 10 transmits the common data and the unique data together to the plurality of models (data receiving apparatuses). See the Abstract. In short, Kato et al. describes downloading data, reorganizing the data, and sending the data to data receiving apparatuses.

The Examiner asserted that Kato et al. teaches, at a minimum, the claimed extraction unit, download unit, and execution unit.

Applicant understands that the Examiner identified reorganizing unit 12 of Kato et al. as the claimed extraction unit. Reorganizing unit 12 includes common data extracting unit 14 and unique data extracting unit 15. Kato et al. describes, “[t]he reorganizing unit 12 reorganizes the plurality of sets of downloaded data ...” (paragraph [0057]). This downloaded data is data obtained by data transmission apparatus 10 including reorganizing unit 12. Kato et al. specifically describes, “[t]he common data extracting unit 14 extracts data that is common among two or more models through comparisons of each set of download data” (paragraph [0158]) and “[t]he unique data extracting unit 15 extracts data that is unique to each set of download data” (paragraph [0159]). It is, therefore, apparent that what is extracted from the download data in Kato et al. is data itself, for example, programs, and does not indicate any location where a program to be downloaded is stored. Accordingly, Kato et al. does not teach any information “which indicates a location where an individual program for performing a specific process on the stream is stored,” recited in claim 1.

Reorganizing unit 12, which Applicant believes also identified as the claimed download unit, reorganizes the downloaded data (paragraph [0156]). Kato et al. does not teach that reorganizing unit 12 extracts information from data, and downloads another data referred to by

the information. As set forth above, Kato et al. does not teach any information “which indicates a location where an individual program for performing a specific process on the stream is stored,” recited in claim 1. It is, therefore, apparent that Kato et al. does not teach the claimed download unit which download the individual program from the location.

Applicant also believes that the Examiner identified transmission unit 13 of Kato et al. as the claimed extraction unit. According to Kato et al., transmission unit 13 packetizes the download data for the plurality of models, which includes sets of common data and sets of unique data (paragraph [0161]). However, since there is no individual program downloaded from the location indicated by the information extracted from a packet, transmission unit 13 of Kato et al. does not correspond to the claimed execution unit which executes the individual program by incorporation the individual program into a packet processing on the stream. Further, it can be said that transmission unit 13 simply reorganizes and transmits programs, but does not perform packet processing by incorporating the individual program into the packet processing, as claimed.

It is noted that Fritsch does not teach, at a minimum, the claimed extraction, download and execution units, and does not cure the deficiencies of Kato et al.

Based on the foregoing, Kato et al. and Fritsch, either individually or in combination, do not disclose or suggest a packet transmission apparatus including all the limitations recited in independent claim 1. The above discussion is applicable to independent claim 11. Applicant, therefore, respectfully solicits withdrawal of the rejection of claims 1 and 11, and favorable consideration thereof.

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al. in view of Adams, and further in view of Fritsch.

In the statement of the rejection, the Examiner asserted that the applied combination of Kato et al., Adams, and Fritsch teaches the claimed subject matter. Specifically, the Examiner asserted that Adams teaches the claimed extraction unit. Applicant respectfully traverses this rejection.

Applicant submits that Kato et al., Adams, and Fritsch, either individually or in combination, do not disclose or suggest, among other things, the following limitations:

a download unit which searches and downloads an individual program suitable for the characteristic; ... and

an execution unit which executes the individual program by incorporating the individual program into a packet processing on the stream.

In the Office Action, the Examiner admitted that Kato et al. does not teach the claimed extraction unit. However, the Examiner asserted that Adams teaches the missing feature of Kato et al.

Although it is assumed that the Examiner's understanding of Adams is accurate for the sake of this response, Kato et al. does not teach the claimed download unit which searches and downloads an individual program suitable for the characteristic, as claimed. Kato et al. simply teaches downloading and reorganizing data to be sent to data receiving apparatuses. Adams does not cure the deficiency of Kato et al. because Adams simply teaches that a subscriber terminal receives an MPEG program stream tagged with MPEG program #X.

Moreover, as set forth above, Applicant submits that Kato et al. does not teach the claimed execution unit because the reference simply teaches packetizing the downloaded data for

the plurality of models, which includes sets of common data and sets of unique data (paragraph [0161]).

It is also noted that Fritsch does not teach, at a minimum, the claimed extraction, download and execution units and does not cure the deficiencies of Kato et al. and Adams.

Based on the foregoing, Kato et al., Adams, and Fritsch, either individually or in combination, do not disclose or suggest a packet transmission apparatus including all the limitations recited in independent claim 5. Applicant, therefore, respectfully solicits withdrawal of the rejection of claim 5 and favorable consideration thereof.

Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kato et al. in view of Adams.

In the statement of the rejection, the Examiner admitted that Kato et al. does not teach extracting information from a stream packet to be sent to a terminal, which indicates a characteristic of the stream data. However, the Examiner asserted that Adams teaches the missing feature of Kato et al. and concluded that it would have been obvious to modify the apparatus of Kato et al. based on the teachings of Adams to arrive at the claimed subject matter. This rejection is respectfully traversed.

Applicant submits that Kato et al. and Adams, either individually or in combination, do not disclose or suggest, a program obtainment method including all the limitations recited in independent claim 14. Specifically, the applied combination does not teach the following limitations of claim 14:

extracting information from a stream packet to be sent to a terminal, which indicates a characteristic of the stream data;

performing a normal packet transmission processing on the stream while the individual program suitable for the characteristic is being downloaded; and

performing a packet processing continuously by incorporating the individual program into the packet processing once the download of the individual program is completed.

With respect to the rejection of claim 5, Applicant argued that Kato et al. and Adams did not teach, at a minimum, searching and downloading any program suitable for the characteristic, and performing packet processing by incorporating the individual program into the packet processing. Since claim 14 recites the limitations similar to those of claim 5, Applicant incorporates herein the arguments made to traverse the rejection of claim 5 under 35 U.S.C. §103 for obviousness.

Further, Kato et al. does not teach performing a normal packet transmission processing on the stream while the individual program suitable for the characteristic is being downloaded, as claimed. The Examiner asserted that paragraph [0156] of Kato et al. teaches the above limitation. However, paragraph [0156] simply teaches downloading data, but does not teach performing a normal packet transmission processing on the stream, as claimed.

Accordingly, Kato et al. and Adams, either individually or in combination, do not disclose or suggest a program obtainment method including all the limitations recited in independent claim 14. Applicant, therefore, respectfully solicits withdrawal of the rejection of claim 14 and favorable consideration thereof.

Conclusion

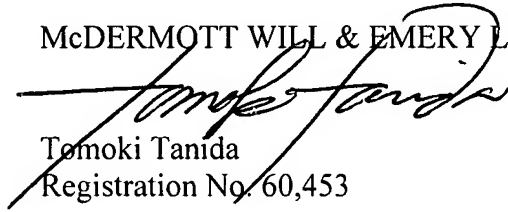
It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

Application No.: 10/721,998

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'Tomoki Tanida', is written over the printed name and registration number.

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